

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Levy et al.  
Application No.: 10/804,581

Art Unit: 2425  
Conf. No.: 7267

Filed: March 18, 2004

For: SYNCHRONIZING BROADCAST  
CONTENT WITH CORRESPONDING  
NETWORK CONTENT

VIA ELECTRONIC FILING

Examiner: R. Stronczer

Date: November 16, 2009

**REPLY BRIEF**

This Reply Brief is in response to the Examiner's Answer dated September 16, 2009.  
Please charge any fee required to deposit account 50-1071.

The following Reply Brief replies to the Examiner's response to Applicants' argument starting at the bottom of page 11 of the Examiner's Answer. To keep the remarks as brief as possible, the following focuses on addressing issues raised in the Examiner's Answer. The omission of arguments made previously does not mean that the arguments are withdrawn.

The Office's response, respectfully, continues to overlook a fundamental distinction between the cited prior art and claim 1. There is no dispute that both Ullman and Carro teach retrieving and displaying web page content that is related to a video broadcast. Ullman does so by extracting URLs of web pages from the video program and providing these URLs to the user, while in Carro, the user selects a program of interest, and the system look up a corresponding URL in response to receiving the broadcast time of the program of interest. In both cases, the user then accesses the web site at the URL address to retrieve the web page. In neither case is corresponding network content (e.g., the web page content that the URL address points to) posted to a web page or other network device based on identifying that network content from an identifier extracted from the broadcast content. Carro and Ullman deal with synchronizing web content retrieval with a video program, but do not have relevant teachings of posting network content to a site that is synchronized to a broadcast.

The key point of claim 1 missing from the cited art relates to the posting of network content to a network device, where the content being posted is identified by extracting an identifier from the broadcast. In particular, claim 1 is related to the case where extracting of an identifier from broadcast content leads to the posting of corresponding network content to a network device at a network address. This "network device" is not any device connected to a network, but instead, is recited to be a device at the network address that is responsive to requests sent to the network address to provide network content over network. A specific application of this method is where identifiers extracted from broadcast content are used to post corresponding network content on a web site. The web site is updated in a manner dependent on the broadcast content.

In Ullman and Carro, in contrast, the objective is to provide a user with web pages so that they can be displayed in a synchronized fashion along with a video program. While this is a form of "synchronization," it is different than the synchronization being claimed. In particular,

Ullman and Carro are directed to synchronizing display of web content and the video program. In contrast, claim 1 is directed to synchronizing the posting of network content on a network device that is responsive to requests (e.g., like a web site that is responsive to requests for web pages).

The Office, in its response, continues to rely on Carro as allegedly showing the claimed posting to a network device. The Office acknowledges that “Ullman does not explicitly disclose “posting said content to a network device.” This is a significant omission from Ullman, and therefore, the Office’s admission that it is not taught in Ullman is significant.

The Office contends that Carro provides relevant teachings to the claimed “posting” in that it allegedly teaches that “the URLs corresponding to the network content are posted to a website that a user can reference.” Examiner’s answer at page 13, second full paragraph. The Office is contending that the updating of the channel information server with URLs in Carro corresponds to the claimed “posting the corresponding network content” as recited in claim 1. To make this argument, the Office is alleging that the URLs in a database in the Channel Information Server of Carro correspond to the claimed “corresponding network content.” As noted in the Appeal Brief and summarized here, this argument fails for several reasons:

1. In claim 1, the “corresponding network content” is identified for posting by using an identifier that has been extracted from broadcast content. Carro teaches that the broadcasting station or transmitter (307) updates a database on a Channel Information Server (309). See paragraph [0108] of Carro. Contrary to the Office’s contention that this updating is a posting of URLs to the Channel Information Server, the updating involves transforming the time intervals associated with hyperlinks as described in [0157], not posting URLs, and specifically not posting content identified by an identifier extracted from the broadcast as claimed. The URLs in Carro, which the Office alleges are “corresponding network content” of claim 1, are not identified by extracting identifiers from broadcast content as claimed. Therefore, they cannot be considered equivalent to the claimed “corresponding network content.”

2. The Office improperly attempts to combine disparate teachings of Ullman and Carro to show that the cited art, when combined, teaches the claimed “posting the corresponding

network content.” In the Office’s interpretation, the URLs in Ullman correspond to the claimed identifiers, yet in Carro, the URLs are the claimed “corresponding network content.” Thus, for the Office’s interpretation to hold, one of skill would have to interpret the URLs as two different claim elements, whereas they perform the same function in both prior art references. Even with this inconsistent interpretation of the art, the combination does not teach all of the elements of the claim, and one of ordinary skill could not use these teachings to make the claimed invention. In particular, the Office argues that the combined teachings of Ullman and Carro teach “a system in which network content (the embedded URLs) are posted to a network device (the Internet server hosting the URL table of Fig. 8 of Carro) simultaneously with the delivery of the corresponding network content to the user in a manner equivalent to the that of the claimed method. See Examiner’s answer at pages 13-14. However, as the Office has acknowledged, Ullman does not teach the claimed “posting,” and as shown above, Carro does not either. Carro does not post URLs to the channel information server as network content is posted in claim 1, but instead, merely transforms time intervals for programs. Moreover, both Ullman and Carro deal with retrieving URLs for web pages that relate to broadcast content. Neither relate to synchronizing the posting of corresponding network content at those URL addresses. Ullman extracts URLs from the video as it is broadcast, and Carro simply looks up the URL from a table based on a broadcast time selected by the user. So, to reiterate the point above, it is highly unlikely that one of skill in the art is going to consider that a URL in Ullman is the claimed identifier, while the URL, used for the same purpose in Carro as in Ullman, is instead, equivalent to the claimed “corresponding network content” in claim 1, which is a completely different claim element, serving a different purpose. It is much more likely that one of skill in the art would interpret the URLs in both Carro and Ullman for what they actually are, a pointer to web content. When combined, there is no relevant teaching in the combination on posting corresponding network content based on extracting identifiers embedded in the broadcast content as claimed.

#### Claim 5

After acknowledging that Ullman does not teach the claimed posting of claim 1, the Office argues that Ullman teaches the automatic posting elements of claim 5. Even if one

accepts this inconsistent logic, the Office argument still fails. Ullman teaches an embodiment in Fig. 2 where URLs are stripped from the vertical blanking interval of the video signal and sent to an Internet server, which in turn delivers the URL to the user's PC. The Office appears to be taking the position that the URLs of this embodiment of Ullman are both the identifier and corresponding network content recited in claim 1. This is illogical because the URLs do not act as both identifiers and corresponding network content. Moreover, there is no teaching that the Internet server, through which the URLs are sent to the user's PC, is responsive to network requests sent to the network address to provide the network content as required of the network device recited in claim 1. Instead, Ullman shows that the Internet server of Fig. 2 sends the URLs to the PC in uni-directional transmission to the PC. In order to achieve Ullman's objective of synchronizing the display of the web pages on the PC with the video broadcast, this type of uni-directional transmission is required because the PC has no other means to get the URLs in a synchronized fashion once they are stripped from the video broadcast.

Regarding claim 6, Carro does not teach updating a website in a manner that is relevant to the claims. As described above, the database in the channel information server is updated by transforming the time intervals of the hyperlinks so that they correspond to the broadcast time. See Carro at paragraph [0157]. This updating is not done by extracting an identifier from the broadcast content as claimed and does not involve posting corresponding network content as claimed.

Regarding claim 7, the Office continues to try to assert that the URL is both the claimed identifier as well as the claimed network content that corresponds to the extracted identifier. Again, there is no dispute that the prior teaches retrieving web content located on servers at URL addresses so that it can be viewed in connection with a video program. However, the difference is that the web page content at the URL addresses in Ullman is not posted to a network device (e.g., the web server) based on extracting an identifier from the broadcast. Ullman only deals with retrieving the content at a web page so that it can be displayed along with the video program. Similarly, Carro deals with retrieving web content that relates to the video program.

Neither relate to posting corresponding network content in response to identifiers extracted from the broadcast. The Office has tried repeatedly to stretch the teaching of the URLs in the prior art to be both the claimed identifiers and the corresponding network content, but the prior art just does not provide the requisite teachings to render the claims obvious.

The remainder of the Office's arguments are based on these incorrect premises and fail for the reasons stated in the Appeal brief and elaborated upon in this reply.

Therefore, the rejections must be reversed.

Date: November 16, 2009

CUSTOMER NUMBER 23735

Respectfully submitted,

DIGIMARC CORPORATION

Phone: 503-469-4800  
FAX 503-469-4777

By /Joel R. Meyer/  
Joel R. Meyer  
Registration No. 37,677